

**Minutes of the 2009 Annual Meeting of
Raspberry Mountain Ranch Property Owners' Association**

Date: Saturday, October 3, 2009 from 10 AM 12:30 PM

Place: La Veta Library Meeting Room, La Veta, CO

10:25 AM Call to Order by President, Sharon Archambault.

Membership Present by Parcel:

#1 Ken & Connie Hoyer
#5 Tom & Isabella Bettis
#6 Fran Sanden
#12 Windell & Camille Cannon
#13 Sharon Archambault
#14 Don Elias
#17 Ed Kirkland
#20 Chris & Ricky Daly
#22 Jeff Hanko & Gina Roberti
#23 Dick & Brooke Robeson
#24 Stu & Doreen Baumann
#31 Dick & Shirley Newsom
#37, #38 Gina Moore and daughter Aspen

Membership By Proxy:

#7, #8, #18 Robert & Susan Parke by Ed Kirkland
#25 Danny Hockett by Dick Robeson
#28 Joe & Dana Hunter by Dan Brewer, realtor & guest
#35 Joe & Kristin Black by Ed Kirkland

Certification of Quorum by Secretary, Doreen Baumann:

20 voting members certified for quorum with no waiver of notice. 67% (21 votes) were not present.

Minutes from the 2008 Annual Meeting were distributed and not read. **Action Item:** Jeff motioned to strike Item #6, page 3 from the minutes, Dick Newsom 2nd re: the Construction Impact Fee. It was decided to table the issue to next year. All carried.

Secretary's Report by Doreen Baumann: Sharon said that Doreen, as keeper of the records, would scan the documents and make them available for review electronically.

Treasurer's Report (see attached) was prepared by Jon Scarpelli and reviewed by Doreen Baumann: At the time of the meeting, 3 parcels had not paid the 2008 dues and \$5000 was outstanding receivables from 2009. The 2008-09 projected

income was \$30,400 with an actual income of \$25,000 to date. Expenses of \$15,000, due to a light snow winter, receipt of CRE shared expense monies and only plowing RMR roads, left a net of \$10,000. The CRE expense reimbursement will be addressed in Old Business. The Treasurer suggested leaving the current \$800 dues intact. A motion was made from the floor by Chris Daly to reduce the dues for next year, Sharon 2nd, but until the road sharing expenses with CRE are known, it was decided to table until a later date. Jeff Hanko suggested we prepare a Balance Sheet & Profit & Loss Statement and Doreen suggested we show accounts on QuickBooks in the future.

Architectural Review Committee Report by Sharon Archambault: Steve Archambault, Chairman, was not present. One petition in 2009 was for the Clark barn, which was approved and built.

Governing Document Committee Report by Jeff Hanko: (The first drafts of the Covenant documents were distributed and mailed to those not present.) Jeff offered a thank you to Doreen for her diligence in preparing the document drafts. Jeff said the Membership has 30 days to respond with comments - by Nov 4th and the Ballot with final changes will be sent out for a vote by Dec 4th. A 67% approval from the membership authorized to vote is required before they can be recorded with the county.

Ranch Management by Stu Baumann: Stu reported that the roads are in good shape. The present contractor agreement will be renegotiated from \$1500/month to a \$700/month retainer to cover the designated equipment on site plus equipment charge during the snow months and the \$700/month will be worked off on an hourly basis in the summer months. A new agreement should be available in two weeks.

Weed Spraying by Fran Sanden: After research at the courthouse, it was discovered that CRE owns all of Mountain Valley Road with the sole responsibility for maintenance. CRE has elected to spray one time in the fall. Cynmar sprayed RMR roads last spring. The cost for spraying twice per year is \$3600. Stu suggested purchasing equipment and chemicals and doing our own spraying. Windell suggested leaving it up to the Board.

OLD BUSINESS

Easements by Fran Sanden: Fran reported that CRE owned both Mountain Valley Road and the gate. The former developer vacated the emergency exit egress without legally obtaining the 67% vote of the voting membership. Windell Cannon explained that the issue was between the Developer and Joy Smith, the owner of the egress road. Fran suggested that we hire an attorney to write a letter to the former Developer, with a copy to Joy Smith that will question the legality of the vacated egress through Joy Smith's property. Doreen reported

that the Board is investigating the original Rilling Canyon Road Easement that may give us another emergency exit.

Front Entry Gate by Ed Kirkland: Ed reported that CRE owns the gate, removed the letters and was looking into options to either modify the existing gate or replace it due to operational problems because of high wind and blowing snow.

CRE Business Agreement and Reimbursement by Sharon Archambault: Sharon explained that RMR presented the CRE attorney with a business agreement that offers to share expenses equally for Mountain Valley Road and the Common Reservoir area and 60% RMR/40% CRE for the Gate (see attached proposal). To date, there has been no response. Sharon has received a check from CRE for \$5000 in settlement of the past due amount of approximately \$9000+ from past road and gate agreements.

Utility Escrow Account by Sharon Archambault: Sharon reported that a check was received from Jim Young, the Developer, for \$8,782.20. When he sold the last parcels and closed his LLC business, he agreed to turn the remaining monies over to both CRE & RMR POA's for their common use. A separate checking account was set up at Community Banks of Colorado for common expenses, requiring both POA signatories- Fran from RMR and Lance Freeman, CRE. The dumpster concrete pad and gate repair have been paid from this account to date. When the monies are spent, the account will be dissolved. **Action Item:** A motion by Jeff Hanko, 2nd by Dick Newsom, that the grant have a designated budget for the common area expenses and both POA Treasurers administer the account or assign signatories. All carried.

Trash Dumpster by Fran Sanden: Action item: Fran motioned, Ed 2nd, that the trash dumpster account be removed from the RMR Treasury. She volunteered to set up and administer a separate account. All carried.

NEW BUSINESS

Letter from Hannon & Associates, Oil and Gas Drilling Leases by Sharon: Sharon reported that many property owners have received letters or calls from James W. Klassen of Hannon & Associates who represents "a major oil and gas company" offering to obtain leases in Huerfano County. **Action Item:** RMR Board to write a letter to the membership, mailed via certified return receipt, that it is not an option to accept the lease offer as oil and gas drilling is prohibited by the Declaration of Protective Covenants. The Owners only own 60% with the remaining 40% of the mineral rights owned by the RMR POA.

Rental/Lease of RMR Properties by Sharon: The short term vacation rental of one of our tracts was discussed. It was considered a violation of our present Covenants to have a commercial activity without Board approval. **Action Item:**

Sharon motioned, 2nd by Windell Cannon that a letter be written to the property owner with a copy to the rental agent and CREPOA as a courtesy that they are in violation of the existing Covenants.

Doreen asked the membership to provide feedback in the review of the proposed amendments to the Covenants concerning the issue of short or long term leasing of properties. Dan Brewer, owner of Cuchara Mountain Vacation Rentals, suggested that the terms “short term” and “long term” be clarified in the covenants.

Downsizing the Board by Sharon: Limiting the number of Board members from 9 to 5 or 7 was discussed. It was decided to table the decision until feedback is received from the membership on the Covenant review.

Vote for Opening on the Board: It was agreed that the election for a new Board member to replace Sharon would be tabled. Seven Board members go off the Board in 2010.

Election Committee: A Nominating Committee was formed for the 2010 election, Jeff Hanko to be the chairman with Shirley Newsom and Tom Bettis as the committee members.

Vote for Changing the Dwellings & Structures Covenants by Sharon: The ballot originally sent out for a vote was tabled as the request for the vote for the Proposed Amendments to the Covenants would cover the same topics.

Appreciation for Past Presidents by Doreen: A presentation of Janice Redford’s Spirit Women was presented with thanks to Sharon for her dedicated service as President for 2009 and to Fran Sanden for 2007 and 2008.

Meeting adjourned at 12:30 PM by Jeff Hanko, 2nd by Sharon, All carried.

Respectfully submitted this date _____ by

Doreen S. Baumann as RMR Secretary _____

and

Fran Reid-Sanden as RMR Recording Secretary _____